IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2687 of 2007

Tarachand Krishna Shewale & ors. Applicants
Vs.
The State of Maharashtra Respondent

Mr.Mahendra Sandhyanshiv for applicants.
Mr.A.S.Shitile, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 16, 2007.

P.C.

. Heard Mr.Sandhyanshiv, the learned counsel for the applicants, who are the accused in 50 of 2007. It appears that the complainant - Karbhari Mahadu Bacchav has a daughter by name Suvarna and her engagement ceremony had taken place on 17th March 2007 with the son of Tarachand Krishna Shevale and during the ceremony as per the social traditions one gold ring to the boy i.e. Vijay, four sarees for the female members from the boy's side and three garments for the children were also given by the complainant. In turn the boy's side also gave a gold ring to the girl and about 200 people had attended the ceremony and for their meals etc. the complainant spent about Rs.35,000/-. The parties had decided the marriage day as 8/5/2007 at the end of the ceremony.

. However, on 18th March 2007 as per the complainant his close relation - Shri Subhash Bagul received a message from Tarachand Shevale that an amount of Rs.3 lakhs will have to be given by the complainant and then only the marriage will be solemnised. The complainant conveyed to Subhash that he had no such capacity to pay and he would not be able to bear such a financial burden. On 19/3/2007 in the morning around 11.30 a.m. the boy's party came to the house of Subhash and the complainant was also called there. He was informed that unless the amount of Rs.3 lakhs is paid, the marriage would not be solemnized. On these allegations Shri Karbhari Bachhav lodged a complaint on 19/3/2007 with the Police Station for the offence punishable under Section 490 read with Section 34 of IPC and the complaint came to be registered as I.C.R. No.45 of 2007.

. After the investigations the police have already filed charge-sheet in Criminal Case No.50 of 2007. In this application based on the statement of Subhash, it was contended that there was no prima facie case made out to frame a charge against the

applicants. This submission does not impress me and notwithstanding the statement made by Subhash during the course of investigation, the complainant has made out a triable case. It is well known that the demand of dowry has become an issue of serious concern to the society at large and, therefore, when the charge-sheet has already been filed there is no reason to invoke the powers under Section 482 of Cr.P.C. and quash and set aside the complaint. The complaint must be tried and taken to its logical conclusions.

. Hence the application is rejected and the trial is expedited.

(B.H.MARL